PRIVILEGED AND CONFIDENTIAL

PROJECT RAINBOW II
SCENARIOS

Completed Production

Billey Bill (101st Cong.)	A (Base-line Concessions)	B (Moderate Case)	C (Worst Case)
Preemption & FDA Regulation			
• Preemption and FDA regulation off the table.	• Preemption and FDA regulation off the table.	• Preemption and FDA regulation off the table.	• Preemption and FDA regulation off the table.
Advertising and Promotion			
• No change in current law.	• Ban sports stadia product advertising.	• Ban sports stadia product advertising.	• Ban sports stadia product advertising.
• Billboard restrictions (i.e., within 500 feet of an elementary or secondary school).	• Billboard restrictions (i.e., within 750 feet of any school where students under age 18 attend).	• Billboard restrictions (i.e., within 750 feet of any school where students under age 18 attend).	• Billboard restrictions (i.e., within 1,000 feet of any school where students under age 18 attend).
Ban paid product placement.	• Ban paid product placement.	• Ban paid product placement.	• Ban paid product placement.
• No change in current law.	• Codify Voluntary Advertising and Promotion Code provisions on advertising and promotion to the extent they are not otherwise addressed in this list (e.g., no ads in	• Codify Voluntary Advertising and Promotion Code provisions on advertising and promotion to the extent they are not otherwise addressed in this list.	• Codify Voluntary Advertising and Promotion Code provisions on advertising and promotion to the extent they are not otherwise addressed in this list.

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JAN 03 '94 18:53 SENT BY ARNOLD & PORTER P.7

Production Pursuant to Court Order #1015, Civil Action No. 99-CV-2496

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Source: https://www.industrydocuments.ucsf.edu/docs/snfb0003

Bliley Bill (101st Cong.)	A (Base-line Concessions)	B (Moderate Case)	C (Worst Case)
	publications directed primarily to those under age 21; no ads depicting persons appearing to be well-known athletes or under age 25, or suggesting that smoking promotes attractiveness or good health; clothing bearing brand names or logos must be in adult size only).		
° Ban display of cigarette trademark on any video game or arcade game.	° Ban ads on any audiotape, disc, videotape, film or video arcade game.	° Ban ads on any audiotape, disc, videotape, film or video arcade game.	° Ban ads on any audiotape, disc, videotape, film or video arcade game.
° No change in current law.	° No change in current law.	° Ban inner-city billboard/poster/transit ads. (Note: We will need to define "inner city" -- e.g., within core city limits).	° Ban inner-city billboard/poster/transit ads. (Note: We will need to define "inner city" -- e.g., within core city limits).
° No change in current law.	° No change in current law.	° Ban brand name sponsorship of entertainment and sports events, except allow auto sports.	° Ban brand name sponsorship of all events (including entertainment, sports and cultural events), except allow auto sports, so long as warnings appear on sporting equipment and clothing.
° No change in current law.	° No change in current law.	° Require nontobacco promotional ("utilitarian") items (e.g., hats, t-shirts	° Ban sale and distribution of nontobacco promotional ("utilitarian") items (e.g., hats, t-shirts and

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Production Pursuant to Court Order #1015, Civil Action No. 99-CV-2496

COMPLIED DOCUMENT

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Source: https://www.industrydocuments.ucsf.edu/docs/snfb0003

Bliley Bill (101st Cong.)	A (Base-line Concessions)	B (Moderate Case)	C (Worst Case)
		and pens) bearing a tobacco trademark to carry a warning label.	pens) bearing a tobacco trademark.
° No change in current law.	° No change in current law.	° No change in current law.	° Ban sporting equipment/ clothing bearing a tobacco trademark, except allow auto sporting equipment/clothing with a warning label.
° No change in current law.	° No change in current law.	° No change in current law.	° Require tombstone ads only, but permit color and imagery (no people or characters); in absolute worst case, may have to accept pure tombstone ad requirements (i.e., no color or imagery, as well as no people or characters) or possibly a complete ban on advertising.
Youth			
° Sampling ban (i.e., no sampling on public streets, sidewalks, or parks, except in places where persons under age 18 are denied admission).	° Codify Voluntary Advertising and Promotion Code restrictions on sampling (e.g., no sampling on public streets, sidewalks or parks, except in places open only to persons who may lawfully buy cigarettes; no use of mails to	° Sampling ban (i.e., Voluntary Advertising and Promotion Code restrictions, but no exceptions to ban on sampling on public streets, plus extend sampling ban to events as well).	° Complete sampling ban (i.e., streets, events and through the mail).

COMPELLED PRODUCTION

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Production Pursuant to Court Order #1015, Civil Action No. 99-CV-2496

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Source: https://www.industrydocuments.ucsf.edu/docs/snfb0003

Bliley Bill (101st Cong.)	A (Base-line Concessions)	B (Moderate Case)	C (Worst Case)
	distribute unsolicited cigarette samples; no mail samples without age (21) certification; no samples to anyone appearing to be less than 21 (without reasonable identification to the contrary)		
° No change in current law.	° No change in current law.	° Controls on discounts and coupons (e.g., age certification).	° Ban discounts and coupons.
° Enforcement if 18-year-old uniform minimum age laws, except that prohibition against distribution/receipt does not apply to family members or acquaintances or to employees of a cigarette manufacturer, distributor or retailer.	° Enforcement of 18-year-old uniform minimum age laws.	° Enforcement of 18-year-old uniform minimum age laws.	° Enforcement of 18-year-old uniform minimum age laws.
° No change in current law.	° Smoking ban in elementary schools and day-care centers.	° Smoking ban in elementary schools and day-care centers.	° Smoking ban in elementary schools and day-care centers.
° Vending machine controls (i.e., no vending machine in any place open to the public, unless the machine is supervised or the place is licensed to sell alcoholic beverages for consumption on the	° No change in current law.	° Vending machine controls.	° Vending machine ban.

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COMPELLED PRODUCTION

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Production Pursuant to Court Order #1015, Civil Action No. 99-CV-2496

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Source: https://www.industrydocuments.ucsf.edu/docs/snfb0003

Bliley Bill (101st Cong.)	A (Base-line Concessions)	B (Moderate Case)	C (Worst Case)
premises; notice of minimum age law also is required).			
° N/A. (But civil penalties of up to $200 per violation apply to enforce minors' law, although reasonable reliance on proof of age or on the appearance of the purchaser is a defense.)	° No change in current law. (ADAMHA current law "carrot and stick" approach to the states applies.)	° Codify selected ADAMHA requirements for states to the extent not otherwise addressed in this list (i.e., random and targeted inspections to enforce 18-year-old law; requirement that states have other well-designed procedures to reduce likelihood of violations, such as graduated schedule of penalties).	° Codify selected ADAMHA requirements for states to the extent not otherwise addressed in this list (i.e., random and targeted inspections to enforce 18-year-old law; requirement that states have other well-designed procedures to reduce likelihood of violations, such as graduated schedule of penalties), plus other requirements based on the finalization of HHS proposed ADAMHA regulations (expected in March).
Warnings			
° Six warnings (simplified versions of existing warnings).	° New warning on addiction.	° New warnings on addiction, effect of ETS on child development and minimum age requirements.	° New warnings on addiction, effect of ETS on child development, minimum age requirements and "Cigarettes Can Kill You."
° Warning to appear in darkest or lightest color on packages,	° More prominent (i.e., size) warnings on package side panel, and	° More prominent (i.e., size, color and format) warnings on package side	° More prominent warnings (i.e., size, color and format) on front and back

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Production Pursuant to Court Order #1015, Civil Action No. 99-CV-2496

COMPELLED PRODUCTION

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Source: https://www.industrydocuments.ucsf.edu/docs/snfb0003

Bliley Bill (101st Cong.)	A (Base-line Concessions)	B (Moderate Case)	C (Worst Case)
whichever provides the greatest contrast, enclosed by a border; letters in all caps in the same size as caps in the current warning. Larger warnings in print ads (20 percent increase in area of label statement) and billboards (50 percent increase).	larger billboard warnings.	panel, and larger billboard warnings.	of packages, and larger billboard warnings.
° No change in current law.	° No change in current law.	° No change in current law.	° Remove "Surgeon General's" attribution.
° No change in current law.	° No change in current law.	° No change in current law.	° Application of warnings to exports (in English).
Ingredients/Constituents			
° Require disclosure of adequate poundage used of each ingredient in industry-wide list submitted to HHS each year.	° No change in current law.	° No change in current law.	° Enhanced disclosure of ingredients to HHS (e.g., aggregate poundage used of each ingredient; range of ingredient amounts used in any given (but unnamed) brand).
° Cartons must list in descending order of predominance by weight (exact quantities not disclosed) each added ingredient present in a quantity greater than 1 percent by weight of the cigarette, except	° No change in current law.	° No change in current law.	° Enhanced disclosure of ingredients to the public (i.e., food disclosure model, which means that flavorings, fragrances, spices and colorings may be listed generically).

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Production Pursuant to Court Order #1015, Civil Action No. 99-CV-2496

Source: https://www.industrydocuments.ucsf.edu/docs/snfb0003

Bliley Bill (101st Cong.)	A (Base-line Concessions)	B (Moderate Case)	C (Worst Case)
that spices, flavorings, colorings and fragrances may be listed generically.			
° Codify existing arrangement with FTC for testing and reporting of tar, nicotine and carbon monoxide and require FTC to publish these ratings annually.	° No change in current law.	° No change in current law.	° Brand-by-brand disclosure to public (i.e., on packages and ads) and to HHS of tar, nicotine and carbon monoxide levels.
° No change in current law.	° No change in current law.	° No change in current law.	° Information to HHS on "other" constituents (to be identified by the scientists in Richmond) besides tar, nicotine and carbon monoxide.
° Set a date certain for ingredient report required by HHS under current law.	° N/A	° N/A	° N/A
Education			
° Establish a Center on Tobacco and Health.	° N/A (until Kennedy bill introduction).	° N/A (until Kennedy bill introduction).	° N/A (until Kennedy bill introduction).

DELETED PRODUCTION

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Production Pursuant to Court Order #1015, Civil Action No. 99-CV-2496

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